### ES PATENT AND TRADEMARK OFFICE IN THE UNITED

IN RE APPLICATION OF:

Myriam MELLUL, et al.

SERIAL NO:

09/987,885

GAU:

1615

FILED:

November 16, 2001

EXAMINER: J. Venkat

FOR:

ANHYDROUS AND WATER-RESISTANT COSMETIC COMPOSITIONS

# TO THE STATE OF TH **INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97**

ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

Applicant(s) wish to disclose the following information.

### REFERENCES

- The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- A check is attached in the amount required under 37 CFR §1.17(p).

### RELATED CASES

- Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- A check is attached in the amount required under 37 CFR §1.17(p).

### CERTIFICATION

- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

### **DEPOSIT ACCOUNT**

Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

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Richard L. Treanor

OBLON, SPIVA

MAJER & NE

Registration No. 36,379

Respectfully submitted.

HLLAND.

Tel. (703) 413-3000 Fax. (703) 413-2220 (OSMMN 03/02)

Form PTO 1449		U.S. DEPARTMENT O	F COMMERCE	ATTY DOCKET NO.		SERIAL N	NO. 885 NO. 8
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	AA	2,230,063	01/28/41	Klimist	1		
	AB	2,548,970	04/17/51	Grate	†		
	AC	2,566,722	09/04/51	Friedberg			7.
	AD	2,578,210	12/11/51	Silva	†		
	AE	2,676,182	04/20/54	Daudt, et al.	1		
	AF	2,678,878	05/18/54	Stewart			
	AG	2,678,893	05/18/54	Kauppi	+	<del> </del>	
	AH	2,681,878	06/22/54	Kauppi	+		
	Al	3,541,205	11/17/70	Hardigan, et al.	+		
	AJ	3,600,186	08/17/71	Mattson, et al.	<del>                                     </del>		
	AK	3,642,635	02/15/72	MacLeod	+	<del>  </del>	
	AL	3,646,214	02/29/72	Katz	+	<del>-  </del>	
	AM	3,836,647	09/17/74	Lange	+		
	AN	3,857,805	12/31/74	Prickril	-	<del></del>	
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٠	AO	FR 1031966	06/29/53	France			X
*	AP	CH 317302	12/29/56	Switzerland			Х
*4	AQ	DE 1012730	07/25/57	Germany			X
•••	AR	DE 967031	09/26/57	Germany			X
٢	AS	DE 1018194	10/24/57	Germany			×
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94.	AU	FR 1301966	07/16/62	France			Х
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,	AW			33 (Coloured Make-up Preparations		-	l Publishing Co.,
_	AX	Amphomer – Polymer Specialty Polymers.	for Hard H	olding Hair Fixative Formulations;	National S	Starch and	Chemical Company,
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٠.	AZ (	Leo, A.J., "Methods of <i>Comprehensive Medici.</i> Taylor and Ransden), v	inal Chemis	g Partition Coefficients", try, (Eds., Hansch, Sammens, 95-319, 1990.	Additi-	onal Refere	ences sheet(s) attached
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	AA	3,927,199	12/16/75	Micchelli, et al.			·
	AB	4,005,195	01/25/77	Jandacek			
·	AC	4,005,196	01/25/77	Jandacek, et al.			
	AD	4,119,712	10/10/78	Goldner, et al.			
	AE	4,192,861	03/11/80	Micchelli, et al.			
	AF	4,283,384	08/11/81	Jacquet, et al.			
	AG	4,315,910	02/16/82	Nowak, Jr., et al.			
	AH	4,409,203	10/11/83	Gordon, et al.			
	Al	4,421,769	12/20/83	Dixon, et al.			
	AJ	4,421,881	12/30/83	Benkendorf, et al.			
70.00	AK	4,431,673	02/14/84	Goldner, et al.			
	AL	4,486,405	12/04/84	Klein			
	АМ	4,534,961	08/13/85	Liff			
	AN	4,574,082	03/04/86	Tietjen, et al.			
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•	AO	GB 1476194	06/10/77	United Kingdom		Х	
•	AP	GB 1476195	06/10/77	United Kingdom		Х	
•	AQ	EP 0005922 A1	12/12/79	European Patent Office		×	
4	AR	JP 55-028906	02/29/80	Japan (English Abstract Provided)	-		×
اد د	AS	GB 1569009	06/11/80	United Kingdom		×	
	AT	GB 2107186 A	04/27/83	United Kingdom	7	Х	
	AU	EP 0133963 A2	03/13/85	European Patent Office		X	
۲.	AV	FR 2556940 A1	06/28/85	France (English Abstract Provided)			X
		OTHER RE	FERENCES (	ncluding Author, Title, Date, Pertinen	t Pages et	c )	
-	AW			F Polymers Handbook, AIP Press., A			cs, Chap. 16, pp. 227-
(	AX	Vaughan, C.D., "Solu Toiletries, vol. 103, p	bility Effect p. 47-69, 19	s in Product, Package, Penetration a 88.	and Preser	vation", C	Cosmetics &
ι	AY	General Electric, GE	Silicones, Pa	atent Technology, 7 pp.			
5	AZ	General Electric, GE	Silicones, Pr	eliminary Data Sheet, 4 pp.	Addit	ional Refere	ences sheet(s) attached
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	AA	4,601,757	07/22/86	Brown, et al.	†			
	AB	4,649,045	03/10/87	Gaske, et al.	1		****	
	AC	4,678,663	07/07/87	Scott, et al.	†			
	AD	4,699,780	10/13/87	Jennings, et al.				
-	AE	4,725,495	02/16/88	Garbe, et al.				
	AF	4,725,658	02/16/88	Thayer, et al.	<del>                                     </del>			
	AG	4,747,419	05/31/88	Flynn, et al.			<del></del>	
	AH	4,777,041	10/11/88	Mercado				
	Al	4,792,444	12/20/88	Fukasawa, et al.				
	AJ	4,795,631	01/03/89	Sheehan	<del>                                     </del>			
	AK	4,797,272	01/10/89	Linn, et al.	<b> </b>		-	
	AL	4,800,076	01/24/89	Bhat, et al.				
	AM	4,801,447	01/31/89	Gum	† †			
	AN	4,803,067	02/07/89	Brunetta, et al.				
			FO	REIGN PATENT DOCUMENTS		<u> </u>		
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-	AO	EP 0151984 A2	08/21/85	European Patent Office		X		
	AP	SHO 61-65809	04/04/86	Japan		X		
1	AQ	WO 86/02001	04/10/86	WIPO		X		
7	AR	EP 0179416 A2	04/30/86	European Patent Office	.,	X		
	AS	SHO 61-158913	07/18/86	Japan (Faciliah Abatas d Bassidad)		Х		
<u> </u>	AT	JP 61-161211	07/21/86	Japan (English Abstract Provided)			×	
	AU _	EP 0200839 A1	11/12/86	European Patent Office		X	<u> </u>	
	AV	EP 0205961 A2	12/30/86	European Patent Office		Х		
		OTHER REF	ERENCES (I	Including Author, Title, Date, Pertinent	Pages, et	ic.)		
	AW	Abstract: JP 6323061	8, Sep. 27,	1988.				
sk	AX	Abstract: JP 6107518,	Apr. 19, 19	994.				
-J	AY	Abstract: JP 55028906	5, Feb. 29, 1	1980.				
		Abstract: JP 62298512	2, Decembe	rí 12, 1987.	<u> </u>			
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	AA	4,826,828	05/02/89	Wilmott, et al.	<del>                                     </del>		" ** *** *** *** ***
	АВ	4,837,011	06/06/89	Macchio, et al.	<del>                                      </del>		
	AC	4,839,163	06/13/89	Busch, Jr.		t	
	AD	4,873,078	10/10/89	Edmundson, et al.			
	AE	4,888,363	12/19/89	Dulak, et al.	r +	$\overline{}$	· · · · · · · · · · · · · · · · · · ·
	AF	4,897,261	01/30/90	Yamazaki, et al.			-
	AG	4,904,698	02/27/90	Adkins, Jr., et al.			
	AH	4,935,228	06/19/90	Finkenauer, et al.			
	AI	4,946,302	08/07/90	Uchida			
	AJ	4,954,532	09/04/90	Elliott, et al.			
	AK	4,980,167	12/25/90	Harashima, et al.		-+	
	AL	4,983,388	01/08/91	Kuwata, et al.	<del>- +</del>		
	AM	4,988,503	01/29/91	Macchio, et al.			
	AN	4,992,477	02/12/91	Geria			
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7	AO	JP 62-061911	03/18/87	Japan (English Abstract Provided)			X
'e.	AP	SHO 62-298512	12/25/87	Japan		×	
*	AQ	EP 0255655 A2	02/10/88	European Patent Office (English Abstract	t Provided)		X
	AR	GB 2197783 A	06/02/88	United Kingdom		X	
•	AS	GB 2197783 B	06/02/88	United Kingdom		X	
	АТ	GB 2198037 A	06/08/88	United Kingdom		X	
•	AU`	EP 0272832 A2	06/29/88	European Patent Office		X	
1	AV	JP 63-230618	09/27/88	Japan (English Abstract Provided)	<del></del>		- · · · · · · · · · · · · · · · · · · ·
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<b>F</b>	AW	WP Index 84-210426,	Abstract JI	? 59122415.	٠		
•	AX	Von Nostrand Reinhold 1993, p. 635.	d Co., "Hav	wleys Condensed Chemical Dictionar	ry," (Rich	ard J. Lev	vis, Sr. res. 12 <sup>th</sup> ed.),
).	AY	McGraw-Hil Book Co.	, "McGraw	v-Hill Dictionary of Chemistry", (Syb.	il P. Park	er ed.), 19	984, p. 319.
<i>'</i>	AZ  I	The Cosmetic, Toiletry Ingredient Handbook," eds.) 1988, p. 213.	and Fragra (John A. V	ance Association, "CTFA Wenninger 7 G.N. McEwen, Jr.	Additio	nal Refere	nces sheet(s) attached
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EXAMINEN	TRAD	DOCUMENT	DATE	NAME	CLASS	SUB	FILING DATE
INITIAL	l AA	NUMBER 4,994,264	02/19/91	Verdon, et al.	OLAGO	CLASS	IF APPROPRIATE
	AB	5,011,680	04/30/91	Suzuki, et al.			
	AC	5,013,763	05/07/91	Tubesing, et al.	ļ		
	AD	5,015,469	05/14/91	Yoneyama, et al.			
-	AE	5,036,108	07/30/91	Asahi, et al.	<del>                                     </del>		
	AF	5,045,309	09/03/91	Dell'Aquila			
	AG	5,051,489	09/24/91	O'Lenick, Jr.			· · · · · · · · · · · · · · · · · · ·
	AH	5,053,221	10/01/91	Robertson, et al.			1
	Al	5,061,481	10/29/91	Suzuki, et al.	-		
-	AJ	5,073,364	12/17/91	Giezendanner, et al.		<u> </u>	
	AK	5,073,372	12/17/91	Turner, et al.			
	AL	5,085,855	02/04/92	Shore			
	АМ	5,085,855	02/04/92	Dunphy, et al.			
	AN	5,089,256	02/18/92	Scheller, et al.			
			FOI	REIGN PATENT DOCUMENTS	<u></u>	<u> </u>	
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		NUMBER	DATE	COUNTRY			RANSLATION
1	AO	GB 2211081 A	06/28/89	United Kingdom		YES X	NO
τ.	AP	GB 2211081 B	06/28/89	United Kingdom		X	
Ŀ	AQ	DE 3744352 A1	07/06/89	Germany (English Abstract Provided)			X
#	AR	GB 2027341 A	02/20/80	United Kingdom		X	
۲	AS	DE 3837473 A1	05/10/90	Germany (English Abstract Provided)			X
.5	ΑT	FR 2638636 A1	05/11/90	France (English Abstract Provided)			x
•	AU	EP 0381166 A2	08/08/90	European Patent Office		Х	
,	AV	EP 0381376 A2	08/08/90	European Patent Office		X	
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7	AW	of Cosmetic Science,	10, 1988, pp	. 75-89.	s on skin	unu nuir ,	michianonai Journai
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ť	AY	Japanese Patent Abstra	act JP 59122	2415 July 1984.		·	
N	AZ	Dow Corning Corpora	tion – Mater	rial Safety Data Sheet June 1994.			
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	AA	5,093,108	03/03/92	Pappas, et al.				
	AB	5,093,111	03/03/92	Baker, et al.			<del></del>	
	AC	5,104,586	04/14/92	Brand, et al.	_			
	AD	5,106,609	04/21/92	Bolich, Jr. et al.	·			
	AE	5,106,611	04/21/92	Forestier, et al.	† · · · · · ·		- T.,	<del></del>
	AF	5,106,625	04/21/92	Yamamoto, et al.	<del> </del>			· · · ·
	AG	5,108,736	04/28/92	Schlossman	<del>                                     </del>			
	AH	5,118,496	06/02/92	Herstein	ļ			
	Al	5,126,126	06/30/92	Varaprath, et al.	<del>                                     </del>			
	ĀJ	5,141,741	08/25/92	Isida, et al.				
	AK	5,143,722	09/01/92	Hollenberg, et al.				
	AL	5,143,723	09/01/92	Calvo, et al.	-			
	AM	5,158,772	10/27/92	Davis				<del></del>
	AN	5,160,736	11/03/92	Macaulay, et al.				
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	AO	EP 0381376 A3	08/08/90	European Patent Office	**	Х		
+-	AP	DE 4025040 A1	02/14/91	Germany (English Abstract Provided)				Х
•	AQ	WO 91/08733	06/27/91	WIPO	*	×		
	AR	WO 91/12793	09/05/91	WIPO				Х
	AS	JP 04-045155	02/14/92	Japan (English Abstract Provided)				X
*	ΑT	EP 0504966 A1	09/23/92	European Patent Office	-	X		
	AU	WO 92/19215	11/12/92	WIPO		X		
7	ΑV	EP 0515195 A1	11/25/92	European Patent Office		X		
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		International Cometic	Ingradiant	Dictionary and Handbook, vol. 1, p	1424	·		
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	AC	5,965,112	10/12/99	Brieva, et al.	AA		<del></del>	
-	AD	5,985,298	11/16/99	Brieva, et al.	AB			
	AE	6,001,374	12/14/99	Nichols	AC			
	AF	6,010,709	01/04/00	Nichols	AD	<del>                                     </del>		
	AG	6,019,962	02/01/00	Rabe, et al.	AE			
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	Al	6,036,947	03/14/00	Barone, et al.	AG			
	AJ	6,071,503	06/06/00	Dreschler, et al.	AH	<del></del>		
	AK	6,074,654	06/13/00	Dreschler, et al.	AI			
	AL	6,139,823	10/31/00	Dreschler, et al.	AJ		<del></del>	
	AM	6,203,809	03/20/01	Nichols	AK	-		
·	AN	6,274,152 B1	08/14/01	Brieva, et al.	AL			
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Form PTO 1449 U.S. DEPARTMENT OF COMMERCI	ATTY DOCKET NO.		SERIAL NO.					
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AC 6,509,009 B2 01/21/03	Nichols, et al.							
AD 6,562,322 B2 05/13/03	Brieva, et al.							
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# **LIST OF RELATED CASES**

Docket Number 216172US0 RE*	Serial or Patent Number 09/987,885	Filing or <u>Issue Date</u> 11/16/01	Inventor/ Applicant MELLUL, et al.
216659US0 CONT	5,750,095	05/12/98	ARNAUD, et al.
216661US0 CONT	09/049,927	03/30/98	MELLUL, et al.
6388-0051-0	5,679,326	10/21/97	BARA, et al.

<sup>\*</sup>Present Application; listed for information NFO/sbr

# **CLAIMS**

- 1. Silicone oil-based anhydrous cosmetic or dermatological composition having a homogeneous fatty phase, said fatty phase comprises a mixture of:
- (i) at least one silicone oil, in an amount ranging from 5 to 97% of the total weight of said fatty phase, having the formula:

wherein:

R represents alkyl having 1 to 30 carbon atoms, aryl or aralkyl,

n represents a whole number between 0 and 100, and

m represents a whole number between 0 and 100, provided that the sum of  $n\,+\,m$  is between 1 and 100; and

(ii) a wax in an amount ranging from 3 to 50% by weight based on the total weight of said fatty phase having a melting point between 50 and 135°C, comprising at least one polymer

FOR INFORMATION
DISCLOSURE
PURPOSES ONLY

Related Pending Application
Related Case Serial No: 09 pun, 927

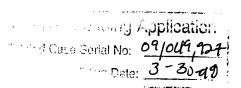
having a molecular weight between 200 and 1,500 selected from ethylene homopolymers and copolymers, and a monomer having the formula:

$$CH_2 = CH - R'$$
 (II)

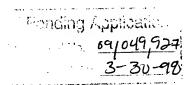
wherein:

R' represents alkyl having 1 to 30 carbon atoms, aryl or aralkyl.

- 2. The composition of Claim 1, wherein said fatty phase is present in an amount ranging from 3 to 100% by weight of the total weight of said composition.
- 3. The composition of Claim 1 wherein said silicone oil has a viscosity of between 5 and 500 cSt.
- 4. The composition of Claim 1 wherein said silicone oil is present in an amount ranging from 10 and 90 percent by weight based on the total weight of said fatty phase.
- 5. The composition of Claim 1 wherein said wax is selected from the group consisting of an ethylene homopolymer, an ethylene-propylene copolymer, and an ethylene-hexene copolymer.



- 6. The composition of Claim 1 wherein said wax is present in an amount ranging from 5 to 30 percent weight based on the total weight of said fatty phase.
- 7. The composition of Claim 1, wherein said fatty phase also contains at least one additive or fatty substance selected from an oil, a wax or a mixture thereof.
- 8. The composition of Claim 7, wherein said additive or fatty substance is present in an amount ranging from 0.5 to 92 percent by weight based on the total weight of said fatty phase.
- 9. The composition of Claim 7, wherein said wax is present in an amount less than or equal to that of said ethylene homopolymer or copolymer wax.
- 10. The composition of Claim 1 wherein said fatty phase further comprises an oily gel agent.
- 11. The composition of Claim 1 wherein said composition further contains a charge present in an amount ranging from 0.5 to 97 percent by weight.
- 12. The composition of Claim 1 which also contains a lipophilic additive selected from the group consisting of a



surface active agent, a filter, a vitamin, a hormone, an antioxidant, a preservative, a dye, a perfume and a mixture thereof.

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## ABSTRACT OF THE DISCLOSURE

A silicone oil-based anhydrous cosmetic or dermatological anhydrous composition having a homogeneous fatty phase wherein said fatty phase contains a silicone oil having the formula

$$CH_{3} - S_{i} - O - S_{i} - O - S_{i} - CH_{3}$$

$$R - CH_{3} - CH_{3} - CH_{3}$$

$$CH_{3} - S_{i} - CH_{3} - CH_{3}$$

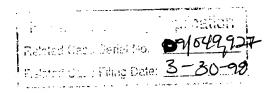
$$CH_{3} - S_{i} - CH_{3} -$$

wherein

R represents alkyl having 1 to 30 carbon atoms, aryl or aralkyl,

n represents a whole number between 0 and 100, and m represents a whole number between 0 and 100, provided that the sum of n+m is between 1 and 100; and

(ii) a wax in an amount ranging from 3 to 50 percent by weight based on the total weight of said fatty phase having a melting point between 50 and 135°C, comprising at least polymer having a molecular weight between 200 and 1,500 and selected from ethylene homopolymers and copolymers, and a monomer having the formula:



 $CH_2=CH-R'$ 

(II)

wherein

R' represents alkyl having 1 to 30 carbon atoms, aryl or aralkyl.

Risingle 1 3 and 2 Application Related Case Serial No. 09049 934